

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

CR 07-161 JNE/FLN

Plaintiff,

v.

O R D E R

01 - Ismael Ramirez-Cortez,
02 - Gerardo Ramos,
04 - Aaron Clayton Durand,
06 - Anthony Thomas Hernandez,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated November 15, 2007, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Defendants' Motions be **GRANTED** in part and **DENIED** in part as follows:

1. Defendant Ramirez-Cortez's Motion for Suppression of Evidence from Electronic Surveillance [#52], Defendant Ramirez-Cortez's Motions to Suppress Evidence from Search and Seizure [##53, 149], Defendant Ramirez-Cortez's Motion to Suppress Evidence from Eyewitness Identification [#150], Defendant Ramos' Motion to Suppress Evidence from Electronic Surveillance [#35], Defendant Durand's Motion to Suppress Evidence Derived from Electronic Surveillance [#136], Defendant Hernandez's Motion to Quash Arrest and to Suppress Evidence Illegally Seized [#114], Defendant Hernandez's Motion to Suppress Evidence

Derived from Electronic Surveillance [#115], Defendant Hernandez's Motion to Suppress Evidence Obtained in Violation of the Fourth Amendment [#116] and Defendant Hernandez's Motion to Dismiss Indictment on Grounds of Insufficient Allegations [#120] are **DENIED**.

2. Defendant Hernandez's Motion to Suppress Confessions and Statements in the Nature of Confessions [#117] is **GRANTED** in so far as it seeks the suppression of the statements he made to Officer Freichels after his indictment and **DENIED** in all other respects.
3. Defendant Ramos' Motion to Suppress Statements, Admissions, and Answers [#58] and Defendant Durand's Motion to Suppress Statements [#138] were **WITHDRAWN** based upon representations made at the hearing on this matter.

DATED: January 7, 2008.
at Minneapolis, Minnesota

s/ Joan N. Erickson
JUDGE JOAN N. ERICKSEN
United States District Court